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6 April 1951

OGC Has Reviewed

MEMORANDUM:

TO: General Counsel
THROUGH: Comptroller *gll*
FROM: Acting Chief, Finance Division
SUBJECT: Annual Leave

1. Reference is made to Public Law No. 759, 81st Congress, Section 1212, which provides that all leave earned during the calendar year 1950 must be used prior to close of business 30 June 1951 or be forfeited, and provides further that this Section shall not apply to employees whose "post of duty is outside the continental United States".

2. CIA Notice provides that where individuals who have had posts of duty both within and outside the continental United States during the calendar year 1950 will be governed as follows:

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- "a. Leave accrued while the employee is on duty within the United States must be used prior to 1 July 1951 or forfeited." (Underscoring supplied).
- "b. Leave accrued while the employee is at a post of duty outside the continental United States may be accumulated up to the total amount of leave authorized to be accumulated or it may be utilized at the option of the employee concerned." (Underscoring supplied).

3. Comptroller General's Decision B-99676, dated 11 January 1951, pertaining to this matter employs the phrases, "employees who are stationed", and "employees whose post of duty", and states further that "the term 'post of duty', consistently has been construed as being synonymous with permanent duty station".

4. In order to determine which employees are exempt from Section 1212 of the General Appropriations Act of 1951, this office

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requests further clarification of the phrase, "Employees whose post of duty is outside the continental United States". Specifically, our questions are as follows:

- a. "Must an employee be physically located at his overseas post of duty on 30 June 1951, in order to be exempt from the provisions?"
- b. Is an employee exempt from these provisions if he is appointed to an overseas position but has not yet arrived at the overseas post? In this connection, we have in mind employees who are appointed to overseas positions and are at Headquarters for indefinite training periods prior to reporting to their overseas posts.
- c. If answer to B above is negative, at which time will he become exempt, i.e., when he departs from Headquarters, or when he actually arrives at his overseas post of duty?
- d. Do these provisions apply to an employee who is temporarily absent from his overseas post of duty and in the continental United States because of home leave, temporary duty, detail, or PCS pending assignment to another foreign station?
- e. Assuming the employee's status as of 30 June 1951 will govern, what effect, if any, will these provisions have on an employee who is officially transferred and reports at Headquarters on PCS orders immediately prior to 30 June 1951 without opportunity to use annual leave earned during calendar year 1950?

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